

REMARKS

Claims 1, 2 and 16-26 are pending in this application.

In light of the submission (described below) and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection.

In the outstanding Official Action, the Examiner rejected Claims 1, 2, and 16-26 under 35 U.S.C. § 103(a) as being unpatentable over *Lee et al.* (U.S. Patent No. 6,614,477) and in view of Applicant's alleged admitted prior art. Applicant respectfully traverses this rejection.

Claim Rejections

By this Amendment, Applicant respectfully submits a Supplemental Declaration of Prior Invention in a WTO Member Country to Overcome a Cited Patent Pursuant to 37 C.F.R. § 1.131, executed by Yutaka Maeda as Exhibit 1. This Declaration provides additional evidence supplemental to the Declaration filed November 16, 2005, establishing invention of the subject matter of the present invention prior to the filing date of November 5, 1998, by *Lee et al.* It is well established that sixteen days for consideration of the completed draft of the application is not unreasonable. See *Walker v. Bailey*, 114 USPQ 302 (CCPA 1957). As the diligence period is thirteen days, Applicant respectfully submits that there was no unreasonable delay, and, thus, proper diligence is established from just prior to the effective date of *Lee et al.* through the filing of the present application. Based upon this submission, Applicant respectfully submits that *Lee et al.* is not prior art with respect to the present invention. It is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

In view of the enclosed submission, Applicant respectfully submits that the present application is now in proper form for allowance.

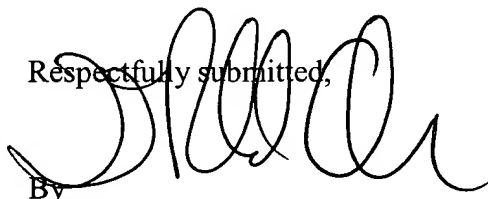
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: May 9, 2006

Respectfully submitted,



By

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Attachments:

- *Declaration of Prior Invention in a WTO Member Country to Overcome a Cited Patent Pursuant to 37 C.F.R. § 1.131;*
- *Associated Exhibits A-B*